THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 5915 of 2006

DATED: 24.03.2006

BETWEEN:

V.Surender Reddy and others

.. Petitioners

And

State of A.P. rep by Spl.Chief Secretary

And another

..Respondents

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 5915 of 2006

ORAL ORDER:

This Court by the Judgment dated 07.12.2005 in W.P.No.14099 of 2003 and batch invalidated Section 22-A of the Registration Act, 1908 as incorporated into the Act by Andhra Pradesh Act No.4 of 1999 empowering the

State Government to issue a notification prohibiting registration of lands in certain specified properties on the ground of public policy. The Judgment was delivered by this Court following the ratio enunciated by the Supreme Court in **STATE OF RAJASTHAN AND OTHERS v BASANT NAHATA** .

The petitioners sought registration of Sale Deeds in respect of the properties in Survey Nos.573, 578 and 585 of Rachloor village. These lands were included in a prohibitory order notified in G.O.Ms.No.238, Revenue (Registration-I), dated 5th March, 2004. The second respondent is refusing to register the sale deeds presented by the petitioners in view of the prohibitory orders issued in G.O.Ms.No.238. Since Section 22-A, the legislative foundation for the exercise of the executive power of the State is itself declared unconstitutional, G.O.Ms.No.238 must be considered as still born. The second respondent is therefore, obliged to consider for registration of the documents/sale deeds presented by the petitioner even in respect of the lands in Survey Nos.573, 578 and 585 of Rachloor Village in accordance with law and ignoring G.O.Ms.No.238.

Accordingly, the writ petition is allowed. No order as to costs.

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24-03-2006

kvrm